

The Little Traverse Bay Bands of Odawa Indians
Tribal Council Meeting
August 7, 2005
Tribal Court Room 7500 Odawa Circle
Smudging 9:15 a.m.
9:30 a.m.

Executive Session: none

Call to Order: Meeting was called to order at 9:58 a.m.

Council Present: Tribal Chairman Frank Ettawageshik, Vice-Chairperson Beatrice A. Law, Secretary Dexter McNamara, Treasurer Alice Yellowbank, Councilor Rita Shananaquet, Councilor Regina Gasco Bentley
Absent: Councilor Fred Harrington, Jr.-excused

Legal Staff Present: Matt Lesky-Staff Attorney

Staff Present: Michele LaCount-Executive Assistant, Valerie Tweedie-Chief Financial Officer, Brian Gillett-Planning Director, Albert Colby, Jr.-Tribal Administrator

Commission, Boards and Committees:

Economic Development Commission- Cheryl Kishigo

Education Commission-Shirley Oldman

Health Commission-Deleta Gasco Smith

Traditional Pow Wow Committee-Harriett Booth

Election Board-Carol Quinones, Eleanor Barber, Denise Petoskey, Marty VanDeCar, Alice Hughes-Election Board

Enrollment Commission- Dorothy Boda

Gaming Regulatory Commission-Beverly Wemigwase, Tim LaCroix

Guests: Harvey Gibson, Kevin Kane, Mel Kiogima, Sr., Carol McFall,

Opening Ceremony: Beatrice A. Law

Motion made by Vice-Chairperson Beatrice A. Law and supported by Councilor Regina Gasco Bentley to adopt the agenda for August 7, 2005.

Vote: 6 Yes, 0 No, 0 Abstained, 1 Absent (Councilor Fred Harrington, Jr.)

Motion Carried

Motion made by Treasurer Alice Yellowbank and supported by Secretary Dexter McNamara to approve the minutes of July 24, 2005 as presented.

Motion Carried

Vote: 6 Yes, 0 No, 0 Abstained, 1 Absent (Councilor Fred Harrington, Jr.)

Motion Carried

Motion made by Secretary Dexter McNamara and supported by Councilor Rita Shananaquet to accept the Tribal Treasurer's verbal and written report given by Valerie Tweedie, Chief Financial Officer for August 7, 2005.

Vote: 6 Yes, 0 No, 0 Abstained, 1 Absent (Councilor Fred Harrington, Jr.)

Motion Carried

Motion made by Treasurer Alice Yellowbank and supported by Vice-Chairperson Beatrice A. Law to approve the Comprehensive Budget Amendment for 2006 CBA2006-01 which reflects an Executive Budget of \$25,536,722 a Legislative Budget of \$634,558 a Judicial Budget of \$901,332 and an Election Board Budget of \$66,500 for a total of \$27,139,112.

Vote: 6 Yes, 0 No, 0 Abstained, 1 Absent (Councilor Fred Harrington, Jr.)

Motion Carried

Motion made by Vice-Chairperson Beatrice A. Law and supported by Secretary Dexter McNamara to approve the establishment of two (2) capital project funds; one for the community center in the amount of \$300,000 and one for the backup well in the amount of \$185,000. \$400,000 will come from prior period fund balances and \$85,000 will be moved from the FY2005 Capital Improvements line item. Further that these capital project funds be managed by the Housing director with appropriate sign off required by the Housing Director, Legal Department, Chief Financial Officer and Tribal Chairman and that the Planning Department will be responsible for code enforcement.

Vote: 6 Yes, 0 No, 0 Abstained, 1 Absent (Councilor Fred Harrington, Jr.)

Motion Carried

Motion made by Secretary Dexter McNamara and supported by Treasurer Alice Yellowbank to adopt Resolution # 080705-01 Approving an Engagement Letter With Banc of America Securities.

Roll Call Vote: Tribal Chairman Frank Ettawageshik-yes, Vice-Chairperson Beatrice A. Law-yes, Treasurer Alice Yellowbank-yes, Secretary Dexter McNamara-yes, Councilor Rita Shananaquet-no, Councilor Fred Harrington, Jr. - absent, Councilor Regina Gasco Bentley-yes

Motion Carried

Motion made by Vice-Chairperson Beatrice A. Law and supported by Secretary Dexter McNamara to adopt Resolution # 080705-02 Approval of Construction Services Contract with Clark Construction Company.

Roll Call Vote: Tribal Chairman Frank Ettawageshik-yes, Vice-Chairperson Beatrice A. Law-yes, Treasurer Alice Yellowbank-yes, Secretary Dexter McNamara-yes, Councilor Rita Shananaquet-no, Councilor Fred Harrington, Jr. - absent, Councilor Regina Gasco Bentley-yes

Motion Carried

11:05 a.m. recess called

11:18 a.m. meeting reconvened

11:47 a.m. Public Comment opened: Albert Colby, Jr.

11:47 a.m. Public Comment closed

Motion made by Treasurer Alice Yellowbank and supported by Secretary Dexter McNamara to accept the Tribal Chairman's verbal and written report for August 7, 2005.

Vote: 6 Yes, 0 No, 0 Abstained, 1 Absent (Councilor Fred Harrington, Jr.)

Motion Carried

12:01 p.m. Lunch Recess Called

1:44 p.m. Meeting Reconvened

Motion made by Councilor Rita Shananaquet and supported by Treasurer Alice Yellowbank that this meeting end at 5:00 p.m.

Vote: 3 Yes, 3 No (Beatrice A. Law, Frank Ettawageshik, Dexter McNamara), 0 Abstained, 1 Absent (Councilor Fred Harrington, Jr.)

Motion Failed

Motion made by Vice-Chairperson Beatrice A. Law and supported by Councilor Rita Shananaquet to appoint Lily Anderson to the Education Commission for a term starting September 21, 2005 for 3 yrs.

Vote: 5 Yes, 0 No, 1 Abstained (Treasurer Alice Yellowbank), 1 Absent (Councilor Fred Harrington, Jr.)

Motion Carried

Motion made by Councilor Rita Shananaquet and supported by Councilor Regina Gasco Bentley to appoint Winnay Wemigwase to the Education Commission for 3-years starting September 21, 2005.

Vote: 5 Yes, 0 No, 1 Abstained (Treasurer Alice Yellowbank), 1 Absent (Councilor Fred Harrington, Jr.)

Motion Carried

Motion made by Vice-Chairperson Beatrice A. Law and supported by Secretary Dexter McNamara to appoint Cheryl Kishigo to the Economic Development Commission for a term of 3-years commencing September 21, 2005.

Vote: 6 Yes, 0 No, 0 Abstained, 1 Absent (Councilor Fred Harrington, Jr.)

Motion Carried

Motion made by Treasurer Alice Yellowbank and supported by Vice-Chairperson Beatrice A. Law to appoint Laura Blumberg to the Economic Development Commission for a term of 3-yrs commencing September 21, 2005.

Vote: 6 Yes, 0 No, 0 Abstained, 1 Absent (Councilor Fred Harrington, Jr.)

Motion Carried

Motion made by Secretary Dexter McNamara and supported by Vice-Chairperson Beatrice A. Law to accept the Economic Development Commission verbal and written report presented by Chairperson Cheryl Kishigo for August 7, 2005.

Vote: 6 Yes, 0 No, 0 Abstained, 1 Absent (Councilor Fred Harrington, Jr.)

Motion Carried

Motion made by Secretary Dexter McNamara and supported by Vice-Chairperson Beatrice A. Law to accept the Education Commission's verbal and written report as presented by Chairperson Shirley Oldman for August 7, 2005
Vote: 6 Yes, 0 No, 0 Abstained, 1 Absent (Councilor Fred Harrington, Jr.)
Motion Carried

Motion made by Vice-Chairperson Beatrice A. Law and supported by Secretary Dexter McNamara to accept the Election Board's verbal and written Quarterly report as presented by Denise Petoskey Chairperson for August 7, 2005.
Vote: 6 Yes, 0 No, 0 Abstained, 1 Absent (Councilor Fred Harrington, Jr.)
Motion Carried

Motion made by Vice-Chairperson Beatrice A. Law and supported by Treasurer Alice Yellowbank to accept the Enrollment Commission's Quarterly report as presented by Chairperson Dorothy Boda for August 7, 2005, verbal and written.
Vote: 6 Yes, 0 No, 0 Abstained, 1 Absent (Councilor Fred Harrington, Jr.)
Motion Carried

2:41 p.m. recess called
2:58 p.m. meeting reconvened

Motion made by Vice-Chairperson Beatrice A. Law and supported by Treasurer Alice Yellowbank to accept the Health Commission's verbal and written Quarterly report for August 7, 2005 presented by Deleta Gasco Smith, Chairperson.
Vote: 6 Yes, 0 No, 0 Abstained, 1 Absent (Councilor Fred Harrington, Jr.)
Motion Carried

Motion made by Councilor Rita Shananaquet and supported by Vice-Chairperson Beatrice A. Law to approve Little Traverse Bay Bands of Odawa Indians Tribal Minimum Internal Control Standards from draft dated 07-30-05, effective September 5, 2005.
Vote: 6 Yes, 0 No, 0 Abstained, 1 Absent (Councilor Fred Harrington, Jr.)
Motion Carried

Motion made by Vice-Chairperson Beatrice A. Law and supported by Councilor Rita Shananaquet to accept the resignation letter of Tim LaCroix from the Gaming Regulatory Commission with regret, effective September 7, 2005.
Vote: 5 Yes, 1 No (Secretary Dexter McNamara), 1 Absent (Councilor Fred Harrington, Jr.), 0 Abstained
Motion Carried

Motion made by Vice-Chairperson Beatrice A. Law and supported by Treasurer Alice Yellowbank to declare the vacancy on the Gaming Regulatory Commission and to post the position.
Vote: 5 Yes, 0 No, 0 Abstained, 2 Absent (Councilor Fred Harrington, Jr., Councilor Rita Shananaquet)
Motion Carried

3:26 p.m. recess called
3:29 p.m. meeting resumed
3:31 p.m. Councilor Rita Shananaquet returns

Motion made by Vice-Chairperson Beatrice A. Law and supported by Councilor Regina Gasco Bentley to appoint Tribal Council Treasurer Alice Yellowbank to the Gaming Regulatory Commission position until the position is filled.
Vote: 5 Yes, 0 No, 1 Abstained (Treasurer Alice Yellowbank), 1 Absent (Councilor Fred Harrington, Jr.)
Motion Carried

Motion made by Treasurer Alice Yellowbank and supported by Vice-Chairperson Beatrice A. Law to allocate \$5,500 for the annual Traditional Jiingtamok to come from prior year funds.
Vote: 6 Yes, 0 No, 0 Abstained, 1 Absent (Councilor Fred Harrington, Jr.)
Motion Carried

Motion made by Treasurer Alice Yellowbank and supported by Vice-Chairperson Beatrice A. Law to amend my previous motion and to authorize the Tribal Administrator to manage the funding for the Traditional Jiingtamok budget.
Vote: 6 Yes, 0 No, 0 Abstained, 1 Absent (Councilor Fred Harrington, Jr.)
Motion Carried

Motion made by Secretary Dexter McNamara and supported by Treasurer Alice Yellowbank to approve Budget Modification FY 2005 1201-2-53-01 Emergency Assistance Fund, increasing the budget by \$25,000 to come from prior period funds.
Vote: 6 Yes, 0 No, 0 Abstained, 1 Absent (Councilor Fred Harrington, Jr.)
Motion Carried

Motion made by Vice-Chairperson Beatrice A. Law and supported by Treasurer Alice Yellowbank to adopt Resolution # 080705-03 Funding from the U.S. Department of Health and Human Services Indian Health Service Fiscal Year 2005 Tribal Medical Equipment Funds.
Roll Call Vote: Tribal Chairman Frank Ettawageshik-yes, Vice-Chairperson Beatrice A. Law-yes, Treasurer Alice Yellowbank-yes, Secretary Dexter McNamara-yes, Councilor Rita Shananaquet-yes, Councilor Fred Harrington, Jr.-absent, Councilor Regina Gasco Bentley-yes
Motion Carried

Motion made by Vice-Chairperson Beatrice A. Law and supported by Treasurer Alice Yellowbank to approve an amount not to exceed \$13,000 for 5,000 copies of Journey to Sovereignty Video to be distributed (1) copy per Tribal Member, funding to come from prior period fund balance, pursuant to the plan presented by the Tribal Chairman.
Vote: 6 Yes, 0 No, 0 Abstained, 1 Absent (Councilor Fred Harrington, Jr.)
Motion Carried

Motion made by Councilor Rita Shananaquet and supported by Councilor Regina Gasco Bentley to accept the verbal legal report from Matt Lesky, Staff Attorney.
Vote: 6 Yes, 0 No, 0 Abstained, 1 Absent (Councilor Fred Harrington, Jr.)
Motion Carried

4:02 p.m. Public Comment opened: Deleta Gasco Smith, Shirley Oldman
4:06 p.m. Public Comment closed

Motion made by Treasurer Alice Yellowbank and supported by Vice-Chairperson Beatrice A. Law to approve Enrollment list "A" Eligible for Membership dated July 19, 2005.
Vote: 6 Yes, 0 No, 0 Abstained, 1 Absent (Councilor Fred Harrington, Jr.)
Motion Carried

Motion made by Councilor Regina Gasco Bentley and supported by Councilor Rita Shananaquet to approve Enrollment list "B" Declination Ineligible dated July 19, 2005.
Vote: 5 Yes, 1 No (Secretary Dexter McNamara), 0 Abstained, 1 Absent (Councilor Fred Harrington, Jr.)
Motion Carried

Motion made by Vice-Chairperson Beatrice A. Law and supported by Councilor Regina Gasco Bentley to approve Burial Request # A0114 in the amount of \$6,862.22.
Vote: 6 Yes, 0 No, 0 Abstained, 1 Absent (Councilor Fred Harrington, Jr.)
Motion Carried

Motion made by Treasurer Alice Yellowbank and supported by Secretary Dexter McNamara to approve Burial Request # A0115 in the amount of \$8,000.
Vote: 6 Yes, 0 No, 0 Abstained, 1 Absent (Councilor Fred Harrington, Jr.)
Motion Carried

Motion made by Councilor Regina Gasco Bentley and supported by Vice-Chairperson Beatrice A. Law to approve Burial Request # A0110(a) in the amount of \$393.57.
Vote: 6 Yes, 0 No, 0 Abstained, 1 Absent (Councilor Fred Harrington, Jr.)
Motion Carried

Motion made by Vice-Chairperson Beatrice A. Law and supported by Secretary Dexter McNamara to accept the Tribal Administrator Al Colby's report for August 7, 2005, verbal and written.
Vote: 6 Yes, 0 No, 0 Abstained, 1 Absent (Councilor Fred Harrington, Jr.)
Motion Carried

Motion made by Vice-Chairperson Beatrice A. Law and supported by Treasurer Alice Yellowbank to approve budget modification 1302-06770-01 to move \$2,500 from the Pow-Wow Grounds Improvement Fund FY 2005, to the Little Traverse

Bay Bands of Odawa Indians Government Employee Appreciation Day line item and have the Tribal Administrator manage.

Vote: 6 Yes, 0 No, 0 Abstained, 1 Absent (Councilor Fred Harrington, Jr.)

Motion Carried

Motion made by Councilor Regina Gasco Bentley and supported by Vice-Chairperson Beatrice A. Law to adjourn.

Vote: 6 Yes, 0 No, 0 Abstained, 1 Absent (Councilor Fred Harrington, Jr.)

Motion Carried

These Minutes have been read and approved as written:

Approved:

Dexter McNamara, Tribal Secretary

Date